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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/569,806	02/27/2006	Yoichiro Sako	286223US6PCT	6541
22850	7590	02/27/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
MISKA, VIT W				
ART UNIT		PAPER NUMBER		
2833				
NOTIFICATION DATE		DELIVERY MODE		
02/27/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/569,806

Applicant(s)

SAKO ET AL.

Examiner

Vit W. Miska

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2008.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-949)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Widen et al.
2. With respect to claim 1, Widen et al disclose an electronic apparatus the operations of which are controlled electronically, said apparatus comprising:

main operating means 201 for performing a specified operation consistent with the usage and application of said electronic apparatus; main control means 203 for controlling said main operating means 203; display means including a main operation display area 109 for displaying based on said main operating means and a moon image display area 118 for displaying a moon image consistent with the age of the moon; and display control means 201, 207 for controlling image processing of an image (the water level image) in the main operation display 109 area consistent with the age of the moon

3. Regarding claims 2-3, the reference further discloses a moon age calendar 203, 204 for storage of the age of the moon and timepiece means for timing the current date and time (see col. 5, lines 50-54), wherein said display control means acquires the age of the moon consistent with the current date and time from said moon age calendar (col. 12, lines 5-8).

4. The phrase “display control means for controlling image processing of an image in the main operation display area consistent with the age of the moon” is met in Widen et al with the “main operation display area” 109 displaying the water level corresponding to the tide for the selected date. The tide data is related to the phases of the moon, as the “lunar tides” are directly associated with moon phases, as well known and as described at col. 1, lines 18ff of the reference. Thus, the displayed water level 109 of the corresponding displayed tides is “consistent with the age of the moon.

5. Claims 4, 5 and 7 are further rejected under 35 U.S.C. 102(b) as being anticipated by Galison (5245590). The reference discloses an electronic apparatus including main operating means 10 including image processing for processing image 14, moon age acquisition means 10 for acquiring an age of the moon (col. 1, lines 59-60), control means 10 for controlling the main operating means in keeping with the age of the moon, for controlling image processing of image output 14 of said electronic apparatus, i.e. displaying changing moon phase characteristics (size and shape). The contrast adjustment and edge adjustment recited in claim 5 correspond to “changing

contrasting portions" described at col. 1, line 40 and the "incrementally darkening" moon phases at col. 2, line 21. The light emitting means and light volume adjustment in claim 7 corresponds to the increased illumination as a result of the successive phases of the moon displayed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Widen et al. Widen et al further disclose communication means 210, CON (col. 6, line 2) for accessing an external network (col. 6, lines 14-15, 22-24) for acquiring tidal data. The reference does not indicate whether moon phase (moon age) data is obtained from such external network. However, it would be obvious for one of ordinary skill in the art to obtain moon age data from such a network in similar manner as the tidal data in order to obviate the need for the apparatus to calculate such data or as an alternative to manual entry thereof.

7. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. The Stanley and Hirai references cited disclose display devices for processing environmental data for display.

Response to Arguments

9. Applicant's comments have been given careful consideration, but have not been found persuasive. Applicant suggests that "controlling image processing of an image" recited in claims 1 and 4 distinguishes over the references because the claimed phrase requires "modification of an image rather than selection of a different image" (page 6, lines 2-3 from bottom). However, this argument is not persuasive, as no special definition or limitation is presented in the specification or claims for the claim terminology, and no such restricted definition can be found in standard literature. "Processing of an image", or processing of any data in a CPU based system may refer to a number of different functions performed by the circuitry with respect to the image. Thus, an image may simply be obtained from a memory and sent to the display, thus being processed, or an image may be modified or otherwise adjusted and then displayed. Thus, "processing" and image refers to any action performed on the image data. Both Widen et al and

Galison meet the broad aspects set forth in the claims. Applicant may not impute limitations into claim language not specifically required by the specification or attributed by a reasonable interpretation of the terminology. Any such desired limitations should be specifically set forth in the claims.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vit W. Miska whose telephone number is 571-272-2108. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on 571-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vit W. Miska/
Primary Examiner, Art Unit 2833